

## **PUBLIC WORKS COMMITTEE**

**DATE:** October 20, 2005

**CALLED TO ORDER:** 5:00 p.m.

**ADJOURNED:** 7:17 p.m.

### **ATTENDANCE**

#### ATTENDING MEMBERS

Lonnell Conley, Chairman  
Patrice Abduallah  
James Bradford  
Scott Keller  
Dane Mahern  
Angela Mansfield  
Mary Moriarty Adams  
Mike Speedy

#### ABSENT MEMBERS

Virginia Cain

### **AGENDA**

PROPOSAL NO. 487, 2005 - approves the sale of the Liberty Water Assets

"Postpone" until November 10, 2005

Vote: 7-0

PROPOSAL NO. 488, 2005 - approves an increase of \$280,000 in the 2005 Budget of the Department of Public Works, Operations Division (Sanitation General Fund), to pay for operations and maintenance of the recently constructed and activated flow equalization storage basins at the Belmont and Southport Advanced Wastewater Treatment facilities, financed by fund balance

"Do Pass"

Vote: 7-0

PROPOSAL NO. 489, 2005 - approves an increase of \$120,000 in the 2005 Budget of the Department of Public Works, Operations Division (Transportation General Fund), to purchase supplies for the remainder of 2005, including anticipated snow and ice removal in November and December, financed by funds reimbursed by FEMA for snow emergencies earlier this year that were deposited into the fund balance

"Do Pass"

Vote: 8-0

PROPOSAL NO. 490, 2005 - approves an increase of \$1,500,000 in the 2005 Budget of the Department of Public Works, Engineering Division (Stormwater Management Fund), to provide the 25% local share of project costs for the Monon-Broad Ripple portion of the Indianapolis North Flood Damage Protection project, and to fund other priority drainage projects, financed by fund balance

"Do Pass"

Vote: 8-0

PROPOSAL NO. 536, 2005 - approves an increase of \$150,000 in the 2005 Budget of the Department of Public Works, Engineering Division (Non-Lapsing Federal Grants Fund), to make sanitary sewer repairs in the area near Fall Creek and Shadeland Avenue, financed by a grant from the federal Environmental Protection Agency  
"Do Pass As Amended" Vote: 8-0

PROPOSAL NO. 537, 2005 - authorizes the Office of Environmental Services to apply for grant assistance from the Indiana Department of Environmental Services (IDEM) to assist in funding the disposal costs associated with the City's household hazardous waste program known as Tox-Drops  
"Do Pass" Vote: 8-0

PROPOSAL NO. 535, 2005 - amends the Code with regards to sewer rates and charges to better describe the permitting process and provide recovery of fees which will support the operation, maintenance and improvement of the sanitary sewer collection system and advanced wastewater treatment plants  
"Do Pass" Vote: 8-0

PROPOSAL NO. 253, 2005 - increases the stormwater user fee  
"Do Pass As Amended" Vote: 8-0

PROPOSAL NO. 491, 2005 - authorizes multi-way stops at the intersection of Clearvista Drive and on Clearvista Parkway and Clearvista Way (District 5)  
"Do Pass" Vote: 8-0

PROPOSAL NO. 492, 2005 - authorizes speed limit reductions throughout the Smithfield subdivision (District 25)  
"Postpone" until November 10, 2005 Vote: 8-0

PROPOSAL NO. 493, 2005 - authorizes speed limit reductions throughout the Waters Edge subdivision (District 25)  
"Postpone" until November 10, 2005 Vote: 8-0

PROPOSAL NO. 538, 2005 - authorizes intersection controls for the Brookfield Village Subdivision (District 1)  
"Do Pass" Vote: 8-0

PROPOSAL NO. 539, 2005 - authorizes intersection controls for the Hidden Lakes Subdivision, Section 1 (District 21)  
"Do Pass" Vote: 8-0

PROPOSAL NO. 540, 2005 - authorizes intersection controls for the Wildcat Run Subdivision, Section 16 (District 25)  
"Do Pass" Vote: 8-0

## **PUBLIC WORKS COMMITTEE**

The Public Works Committee of the City-County Council met on Thursday, October 20, 2005. Chairman Lonnell Conley called the meeting to order at 5:03 p.m. with the following members present: Patrice Abdullah, James Bradford, Scott Keller, Dane Mahern, Angela Mansfield, and Mike Speedy. Mary Moriarty Adams arrived shortly thereafter. Virginia Cain was absent. Councillor Bob Cockrum was also in attendance.

### PROPOSAL NO. 487, 2005 - approves the sale of the Liberty Water Assets

Chairman Conley read a letter from Andrew Klineman, General Counsel for the Department of Waterworks, asking that Proposal No. 487, 2005 be continued to the next meeting. He said that tonight's meeting conflicts with the regular board meeting of the Department of Waterworks, and therefore representatives cannot be present to address this issue.

Councillor Bradford moved, seconded by Councillor Mahern, to "Postpone" Proposal No. 487, 2005 until November 10, 2005. The motion carried by a vote of 7-0.

Chairman Conley read a media communication released by him this afternoon that deals with items on the agenda this evening (attached as Exhibit A).

PROPOSAL NO. 488, 2005 - approves an increase of \$280,000 in the 2005 Budget of the Department of Public Works, Operations Division (Sanitation General Fund), to pay for operations and maintenance of the recently constructed and activated flow equalization storage basins at the Belmont and Southport Advanced Wastewater Treatment facilities, financed by fund balance

Mike Williams, Chief Financial Officer, Department of Public Works (DPW), said that this proposal appropriates money for the flow equalization basins opened in August at the Advanced Wastewater Treatment (AWT) facilities. He said that these basins temporarily store overflow waters during wet weather events and then release it as the AWT plants are able to treat it.

Councillor Bradford moved, seconded by Councillor Mansfield, to send Proposal No. 488, 2005 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 7-0.

[Clerk's Note: Councillor Moriarty Adams arrived at 5:08 p.m.]

PROPOSAL NO. 489, 2005 - approves an increase of \$120,000 in the 2005 Budget of the Department of Public Works, Operations Division (Transportation General Fund), to purchase supplies for the remainder of 2005, including anticipated snow and ice removal in November and December, financed by funds reimbursed by FEMA for snow emergencies earlier this year that were deposited into the fund balance

Mr. Williams said that this proposal restores some Character 02 (materials and supplies) funds that were spent heavily in the first part of the year for snow and ice removal and pothole repair. The department received funding from the Federal Emergency Management Agency (FEMA) for a 2004 storm, and this will help restore some of that money.

Councillor Abdullah asked if there has been a discussion regarding budgeting for these items twice. Pat Carroll, administrator of the Operations Division of DPW, said that the salt barns are currently full, and some decent buys were made earlier in the year to fill those barns. This money simply replenishes funds that were spent late in 2004 in the event that the department needs to buy salt yet this year. He said that a certain amount is budgeted every year but they never know how the weather will be. Some years there is surplus and other years, they run out.

Councillor Moriarty Adams moved, seconded by Councillor Speedy, to send Proposal No. 489, 2005 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 8-0.

PROPOSAL NO. 490, 2005 - approves an increase of \$1,500,000 in the 2005 Budget of the Department of Public Works, Engineering Division (Stormwater Management Fund), to provide the 25% local share of project costs for the Monon-Broad Ripple portion of the Indianapolis North Flood Damage Protection project, and to fund other priority drainage projects, financed by fund balance

Dave Cleaver, capital improvement finance planner for DPW, said that this proposal will approve \$1.1 million to be used for the White River North levy project currently underway and \$700,000 will be a local match for that project. Another \$200,000 is budgeted for land acquisitions, with another \$100,000 to \$200,000 for relocation costs. The remaining funds will be used for the annual geological survey stream gauging contract and maintenance on capital projects throughout the county.

Councillor Bradford said that the levy project in Broad Ripple is an economic development project that will take approximately 1,800 homes out of the flood plain in Broad Ripple. He said that it costs homeowners approximately \$1,000 a year, and this will give the taxpayers back real money that they can use. He asked when the project will be completed. He said that the first phase, Riverview, looks to be completed, and he assumes the second phase will be the Arts Center, with the Riviera Club being the third phase. Mr. Cleaver said that this is correct, and that the Monon/Broad Ripple portion extending from College Avenue to Westfield Boulevard will be completed with

these monies, and the final section is anticipated to begin in 2007. The overall project completion is expected in 2009. Ideally, the year following, FEMA will remove those properties from flood plain designation. Councillor Bradford said that this will help with future economic development in this area, and buildings will go back to normal architecture without having to be raised above street level.

Councillor Abdullah moved, seconded by Councillor Mahern, to send Proposal No. 490, 2005 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 8-0.

PROPOSAL NO. 536, 2005 - approves an increase of \$150,000 in the 2005 Budget of the Department of Public Works, Engineering Division (Non-Lapsing Federal Grants Fund), to make sanitary sewer repairs in the area near Fall Creek and Shadeland Avenue, financed by a grant from the federal Environmental Protection Agency

Mr. Cleaver stated that this is the first Environmental Protection Agency (EPA) grant that the department has received in almost two decades for the collection system. The grant needs to be reduced by \$5,700, a mandatory 4% reduction dictated by the EPA. He said that this would make the total increase \$144,300. He said that the total cost of the project is \$1.5 to \$1.7 million, and they will use state revolving funds to pay for the rest of the project.

Councillor Bradford moved, seconded by Councillor Moriarty Adams, to "Amend" Proposal No. 536, 2005 to reflect this reduction. The motion carried by a vote of 8-0.

Councillor Abdullah moved, seconded by Councillor Moriarty Adams, to send Proposal No. 536, 2005 to the full Council with a "Do Pass As Amended" recommendation. The motion carried by a vote of 8-0.

PROPOSAL NO. 537, 2005 - authorizes the Office of Environmental Services to apply for grant assistance from the Indiana Department of Environmental Services (IDEM) to assist in funding the disposal costs associated with the City's household hazardous waste program known as Tox-Drops

John Chavez, administrator for the Office of Environmental Services of DPW, stated that this proposal will approve the application of a grant that the City has been receiving for the past five years. It is required by statute that the department receive Council approval to apply for these grants, so that not just anyone is creating a hazardous waste program without a governing body's oversight and approval. He said that this will provide funds to continue the ToxDrop program.

Councillor Speedy asked where the drop locations are and what items can be received. Mr. Chavez said that there are four locations operated on alternating weekends at: 10<sup>th</sup> Street and Post Road, Perry Township Government Center, 71<sup>st</sup> Street and Lafayette Road, and at the Belmont AWT Center, which is open five days a week for

appointments only. These locations primarily collect hazardous wastes found in home garages such as paint, pesticides, thinners, and batteries.

Councillor Abdullaah asked if the department is able to identify how much they can apply for with these grants. Mr. Chavez said that the proposal tonight is simply to obtain approval. There is no guarantee that they will receive the grant, but they are eligible for the highest funding aspect associated with these grants, which is \$100,000, and that is what they will apply for. He said that he anticipates getting the full \$100,000 and the City has received close to that historically the past four years.

Councillor Speedy moved, seconded by Councillor Mahern, to send Proposal No. 537, 2005 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 8-0.

PROPOSAL NO. 535, 2005 - amends the Code with regards to sewer rates and charges to better describe the permitting process and provide recovery of fees which will support the operation, maintenance and improvement of the sanitary sewer collection system and advanced wastewater treatment plants

Chairman Conley read a letter from the Greater Indianapolis Chamber of Commerce supporting the sewer and stormwater rate increases (attached as Exhibit B).

James Garrard, Director of DPW, provided a brief powerpoint presentation which addresses funding for cleaner streams and healthier neighborhoods. These proposed rate increases will have county-wide benefits to reduce raw sewage overflows in the old city limits, eliminate failing septic systems, reduce sewer backups and keep up with growing neighborhoods that need sewer capacity and treatment, and improve flood control and drainage. He said that it is never easy to ask taxpayers to help fund an issue, but this is one important area where they will see a deliberate result. [Clerk's Note: A copy of this presentation is on file with the original minutes of this meeting in the Council office.] Mr. Garrard said that the average customer pays approximately \$9.59 per month for sewer fees. This average would raise to approximately \$12.38 in 2006, \$15.17 in 2007, and \$17.96 in 2008. He said that this would go into effect January 1, 2006. They are also proposing a new connection fee of \$2,500, which is not spelled out in this ordinance, as it would have to be set by the board. They are proposing a stormwater utility fee increase of approximately \$1.00 a month with a new monthly fee of \$2.25. If the rate increases are approved, there will be no more Barrett Law assessments for septic tank owners, and outstanding Barrett Law debts will be covered by the city. Property owners who have already made Barrett Law payments will not, however, be reimbursed. He added that there are \$435 million worth of projects proposed for the next three years to help solve these problems. The increased rates are still very competitive and affordable when compared to other cities' rates. He said that it is the right thing to do and needs to be done, and he believes citizens are willing to help pay for it if it solves these problems.

Councillor Mansfield applauded everyone for working hard on this issue. This problem affects her constituents and it has become a public health issue. She added that Marion County's rates are ridiculously low, even after this proposed increase.

Chairman Conley said that he has received many phone calls and e-mails regarding this issue and it seems the general consensus is that citizens support the increase if the problem is addressed.

Councillor Bradford said that he is an avid canoer and kayaker and has concerns about raw sewage in the waters. He said that he also applauds the efforts of DPW to address these issues. He asked if the library or IndyGo or other organizations would be exempt. Mr. Garrard said that they will not. Councillor Bradford said that his fear is that once these sewer fees increase, some of these entities might then come back to the Council for other budget or rate increases to offset these costs. He asked if churches and other non-profits are exempt. Mr. Garrard said that they are not exempt. Councillor Bradford said that these increases will cut into their budgets as well. He said that he will support the initiative tonight because he believes it is the right thing to do, but he would like to see the fiscal impact on some of these entities. Mr. Garrard said that although these entities are not all that happy about paying extra money, they understand the need for these increases and most support it. He said that they will be glad to provide Councillor Bradford with additional fiscal impact information. Councillor Bradford said that he is sorry to hear all the blame being put on former administrations, and feels this should just be done because it is good government and provides good water for the people.

Councillor Mahern said that the Mars Hill neighborhood is within his district and is a neighborhood that is not as affluent as some others. He thanked DPW for making efforts to make proper sewers and septs available to everyone at a reasonable cost. He said that this is the first step in the right direction and will help pay for projects in every township.

Councillor Keller echoed Councillor Mahern's thoughts and said that both Pleasant Run and Pogue's Run are in his district and those areas are drastically affected by flooding and sewage pollution. He supports the proposal.

Councillor Speedy said that his district includes some Barrett Law areas, some septic residences, as well as sewage overflow problems. He said that he is also a part of the real estate development community and appreciates the phase-in of rates and looks forward to working with DPW on these issues.

Chairman Conley called for public testimony at 6:04 p.m.

Karen Seay, Hannah Heights resident, stated that her neighborhood has the original septic systems from when those homes were built back in 1956 and 1957. She said that most septic systems only last 25 to 30 years. Their ground is saturated, their basements fill up with water, and their tubs and sinks will not drain. She said that she

was told that they are on schedule to receive sewers in 2019 and does not know how her area will last that long. She asked how neighborhoods are prioritized as to who goes first. Mr. Garrard said that a Barrett Law master plan was developed to rank neighborhoods with the greatest needs. He said that this will go away and a new list will be developed. He said that there are 18,000 failing septs in Marion County right now, and converting them to sanitary sewers will take some time. He said that the plan is available on the website.

Cornell Burris, chairman of the 42<sup>nd</sup> and Sherman Barrett Law Committee, stated that many organizations have worked hard to eliminate the Barrett Law process, and this is a great day for the citizens of Indianapolis. He wholeheartedly supports Proposal Nos. 535 and 253, 2005.

Terry Strain, Franklin Township resident, said that they already pay high property taxes in Franklin Township, but the repeal of the Barrett Law is welcome to help reduce the cost for retired individuals to receive good sewers.

Sam LeSturgeon, citizen, stated that he put a new septic system in three years ago, and although it works well, poor soil conditions and hard water insure that he is on borrowed time. He said that septic systems do not last as long as they are purported to last. He said that fees should be the same for existing homeowners as new construction, and if the 2,500 fee could be reduced for existing homeowners, this would provide better equity.

Don Larson, Washington Township resident, said that he is encouraged about the possibilities with the passage of these two proposals and he encouraged the Council to solve these problems in less than the 20 years planned for in the Barrett Law plan.

Glenn Pratt, citizen, said that the City put in septic tanks instead of sewers and public water. He said that private water and septic tanks produce problems. He said that priorities need to be re-visited, as Devon Creek is in greater need of relief than Fall Creek. He provided some proposed modifications to Proposal No. 535, 2005 (attached as Exhibit C) to address septs within five years.

James Naff, citizen, stated that former plans have not included much in the way of action. He said that he agrees with eliminating this old plan and starting fresh. He asked if the City will help in cancelling liens on property as the result of the Barrett Law. He said that a financial plan is needed and added that it would be better if the fee were set by the Council rather than the DPW board. Mr. Garrard said that a long-range plan is being worked on now and they hope to complete it soon. He added that he does not believe there are any outstanding liens on property due to septs, and the City plans to forgive them if there are any.

Merri Anderson, chair of the Neighborhoods and Environment Committee of the Marion County Alliance of Neighborhood Associations (MCANA), said that many supported a

stormwater utility fee in 1999 that proposed a \$2.25 monthly fee per residential unit. That proposal did not pass until 2001, and was amended to the monthly cost of \$1.25. She said that since that time about \$35 million has been collected in the stormwater utility fee, with only approximately \$14 million being spent on what most citizens and all stakeholders thought was the purpose of the fee. She said that MCANA strongly supports the increase in sewer and stormwater fees. She said, however, that the language does not provide for adequate public input and notice regarding variances and appeals. This support is tempered by the need to assure that this fee will be dedicated to building and improving drainage structure according to the Stormwater Master Plan. Without this language being added, MCANA cannot give 100% support.

Joe King, Dirty Dozen Hunting and Fishing Club, said that he was raised on Fall Creek and fished there every day growing up. Those fish have been replaced with signs warning people not to eat or drink anything out of this creek. He said that fishing kept him off the streets and he supports this plan.

John Farrar, citizen, stated that his home sits at the bottom of a hill, and when there is an intense rain, the street floods and backs up into his basement. He supports the proposals.

Dana Reed Wise, bureau chief, Marion County Health Department (MCHD), said that failing septic systems are a huge public health issue, and exposure to raw sewage should not be taken lightly. The MCHD makes approximately 3,000 inspections every year for failing septic systems, and they support the Mayor's efforts to extend sewers into neighborhoods. They will work with owners of existing septic systems in the meantime to help them maintain them properly.

Marty Wessler, Lawrence Township resident, said that they recently completed the design of a Barrett Law sewer project at Thompson and Emerson affecting approximately 100 homes, with an average assessment price of \$10,000. This new plan will save them over \$7,500. He added that the plan makes it clear where these dollars are going.

Bill Scott, Warren Township resident, stated that they have a Barrett Law project going on right now, and he fought this system for 12 years because of the cost associated. He said that he feels these residents were assessed twice and many have lost their homes because of these projects.

Jeffrey Miller, president of the Eagle Creek Woods Homeowners Association, said that their neighborhood believes this plan is important for health and quality of life. Because of their location and elevation, his neighborhood does not currently have any drainage problems, and they are connected to City sewers. However, because they are a part of a greater community, they therefore willingly endorse this project.

Lynn Moistner, Apartment Association of Indiana, applauded the City's efforts to improve the water quality in Indianapolis. She said that DPW has worked closely with them on these matters and they support the proposal.

Dave Mason, Guion Road resident, asked if the sewer rate will be assessed on those residents who have active working septs. Mr. Garrard said that if a resident is currently on a septic tank and wants to stay on a septic tank, they would not pay a sewer bill until they are converted to the City's sewer system.

Councillor Bradford stated that he did not hear anyone speak against the proposal and he asked if there are any members of the public in attendance who oppose it. There were no members to stand in opposition.

Councillor Moriarty Adams moved, seconded by Councillor Abduallah, to send Proposal No. 535, 2005 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 8-0.

PROPOSAL NO. 253, 2005 - increases the stormwater user fee

Councillor Cockrum stated that this proposal was introduced back in May and the administration wished to wait and consider this issue in conjunction with the sanitary sewer rates. Therefore, the proposal was tabled until this time. Councillor Moriarty Adams moved, seconded by Councillor Speedy, to bring Proposal No. 253, 2005 back to the table for consideration. The motion carried by a vote of 8-0.

Councillor Cockrum provided an elevation map and detailed parts of the county which suffer from flooding. He said that his district has several areas close to sea level which risk flooding, and that is why he introduced this proposal. He explained the history behind the stormwater utility. A flood control tax rate and flood debt service rate began in 1998 raising approximately \$3.8 million in annual revenue. In 2000, a stormwater master plan was developed, which identified 350 projects with an estimated cost of \$346 million. The original stormwater utility proposal was introduced in 2001 at a monthly rate of \$2.95 per equivalent residential unit (ERU). An actual stormwater utility rate was established effective June 6, 2001 for a \$1.25 ERU monthly rate. This program allowed for the property tax rates paying off flood bonds to be eliminated. Annual revenue is currently running between \$10 and \$11 million. Of that amount, \$5 million goes to pay off outstanding flood control bonds, \$1.5 million goes toward the National Pollutant Discharge Elimination System, \$1.9 million for operations and maintenance, and \$2.2 million is left annually for actual capital projects. At that rate, it would take 157 years to complete all the projects that need to be done. Even if current bonds could be paid off, it would still take 48 years to complete these projects. He provided a chart that compared rates to annual revenue and years of completion (Exhibit D).

Councillor Moriarty Adams provided two motions to "Amend" Proposal No. 253, 2005 (Exhibit E). She moved, seconded by Councillor Abdullah, to "Amend" Proposal No. 253, 2005 by changing the amount of \$3 in subsection (b) to \$2.25. She said that the \$2.25 rate would be only \$1 increase over the current rate. She said that a \$3 fee would mean a 144% increase and would greatly affect businesses.

Councillor Bradford asked if this is a friendly amendment and if Councillor Cockrum and the DPW staff are amenable to this motion. He added that he wants to make sure these fees will go toward new capital projects instead of paying off outstanding bonds and debts. Councillor Moriarty Adams stated that this motion is offered as a friendly amendment.

Councillor Keller asked Mr. Garrard to quantify the difference this change would make for companies. Mr. Garrard said that as an example Indianapolis Public Schools is one of the top payers of these fees. They currently pay \$71,000, and would pay approximately \$128,000 with a fee of \$2.25, and \$171,000 with a \$3 fee. He said that for some of these companies, it would constitute a pretty substantial burden, and a lot could be accomplished with a \$2.25 rate.

Councillor Cockrum said that he stands by his original proposal and does not support lowering the rate. The \$3 fee would result in an 18-year program, as opposed to 27 years with a \$2.25 rate. He said that even raising the fee to \$3, Indianapolis' rate would still be below most other cities. He said that this proposal is intended to improve the quality of life and increase property values for homeowners.

Councillor Mansfield said that she agrees with Councillor Cockrum. She said that current rates are very low and she can support a \$3 rate.

Councillor Mahern said that he understands the need for a lower rate and can support a \$2.25 rate, especially with other property tax issues this year. He said that that he would like to see a phase-in increase over several years, like the sewer rates, instead of hitting businesses with a substantial increase overnight.

Councillor Keller asked if he is correct in understanding that the Indianapolis Chamber of Commerce endorses the \$3 rate. Chair Conley said that he believes they support the \$2.25 rate.

Councillor Bradford said that he agrees with Councillor Moriarty Adams that a \$3 rate would detrimentally affect many large companies, and he would support the amendment to a rate of \$2.25. He said that even with a \$3 rate, it would be impossible to do all the projects much sooner, as there is a lot of work that needs to be done. He said that other counties may have higher rates, but Marion County's property taxes are still higher, and they are losing business to surrounding counties. The County cannot afford to lose any more businesses, and this lower rate would help.

Councillor Speedy agreed and said that he also would support a smaller increase, as these fees will strongly impact businesses, as well as households.

Councillor Mahern applauded Councillor Cockrum for raising awareness on this issue, and although he would support the amendment, he would like to work with the administration to look at phasing in some increases.

Chair Conley called for public testimony at 6:55 p.m.

Ms. Anderson said that MCANA supports a \$3 fee, as did the Chamber of Commerce originally. While the Chamber represents approximately 25,000 businesses, MCANA represents approximately 870,000 people in neighborhoods in Marion County. The businesses receive credits for their stormwater efforts, but individuals do not have those options. She said that she wants assurance that they will indeed increase the fee in steps.

Mr. Burris said that he supports the full \$3 rate. Many residents battle soaked basements every time it rains and have absolutely no drainage. He said that this is about the health and welfare of citizens.

Mr. Pratt said that by reducing the rate, the Committee is not looking ahead. He said that lowering the rate just brings more problems. He said that variances are given to new developments in the flood plain that further complicate the issue. He asked the Committee to support the \$3 fee.

Mr. Naff asked if any of these new fees will go toward prior commitments or paying off bonds. Mr. Garrard said that they will not, and will go toward new projects. Mr. Naff asked if storm drains will be put in with the sewer lines. Mr. Garrard said that they will do so where warranted and are working with the Water Company to prioritize. Mr. Naff said that \$3 a month is not an exorbitant amount of money and the City needs to get on with the work.

Councillor Bradford said that many of these entities who will suffer from increased rates, such as school systems, have taxing authority and will end up passing that increase along to taxpayers.

Mr. Donahue said that he has already tried to be a good citizen and paid \$9,200 up front for the Barrett Law program, which will now go away. He said it seems unfair that his neighbor who has not paid will not have to pay and he will not be able to receive a reimbursement. Mr. Garrard said that it would simply be impossible to make reimbursements for those who have already paid. Chair Conley said that these comments refer to the previous proposal and he will move ahead with the current agenda item.

Councillor Moriarty Adams' motion to amend Proposal No. 253, 2005 to an ERU rate of \$2.25 carried by a vote of 7-1, with Councillor Mansfield casting the negative vote.

Councillor Moriarty Adams offered a second amendment (page 2 of Exhibit E) to add new Sections 2, 3 and 4. Mr. Garrard introduced Vanna Hamilton, Clean Stream, to explain the amendments. Ms. Hamilton said that the first amendment eliminates the provision that requires that any amounts over \$250,000 be used to pay down bonds. She said that they cannot legally do this. The second amendment allows for lower interest rate costs for new bond issues. Section 4 simply repeals a portion of the ordinance that no longer is valid due to these new changes.

Councillor Moriarty Adams moved, seconded by Councillor Abdullah, to "Amend" Proposal No. 253, 2005 as per page two of Exhibit E. The motion carried by a vote of 8-0.

Councillor Moriarty Adams moved, seconded by Councillor Mahern, to send Proposal No. 253, 2005 to the full Council with a "Do Pass As Amended" recommendation. The motion carried by a vote of 8-0.

Chair Conley asked for consent to hear Proposal Nos. 491-493 and 538-540, 2005 together. Consent was given.

PROPOSAL NO. 491, 2005 - authorizes multi-way stops at the intersection of Clearvista Drive and on Clearvista Parkway and Clearvista Way (District 5)

PROPOSAL NO. 492, 2005 - authorizes speed limit reductions throughout the Smithfield subdivision (District 25)

PROPOSAL NO. 493, 2005 - authorizes speed limit reductions throughout the Waters Edge subdivision (District 25)

PROPOSAL NO. 538, 2005 - authorizes intersection controls for the Brookfield Village Subdivision (District 1)

PROPOSAL NO. 539, 2005 - authorizes intersection controls for the Hidden Lakes Subdivision, Section 1 (District 21)

PROPOSAL NO. 540, 2005 - authorizes intersection controls for the Wildcat Run Subdivision, Section 16 (District 25)

Nathan Sheets, project manager for DPW, stated that he does not have any specifics on Proposal Nos. 492 and 493, 2005, as they were introduced by Councillor Lincoln Plowman and not by DPW. All district Councillors have signed on to the remaining four proposals and all requirements have been met.

Councillor Bradford moved, seconded by Councillor Moriarty Adams, to "Postpone" Proposal Nos. 492 and 493, 2005 until the November 10, 2005 meeting. The motion carried by a vote of 8-0.

Councillor Keller moved, seconded by Councillor Moriarty Adams, to send Proposal Nos. 491 and 538-540, 2005 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 8-0.

There being no further business, and upon motion duly made, the meeting was adjourned at 7:17 p.m.

Respectfully Submitted,

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Lonnell Conley, Chairman

LC/ag